

S.B. CIVIL WRIT PETITION No.5547/99

NAND LAL ARYA V/s BHARAT PETROLEUM
CORPORATION Ltd. & OTHERS.

4.1.2007

HON'BLE MR. JUSTICE MOHAMMAD RAFIQ

Shri Ashok Gaur for the petitioner.
Shri S. Kasliwal)
Shri Virendra Dave), for respondents.

This court vide order dated 25.8.2005 had directed the respondents No. 1 and 2 to hold an inquiry on the questions raised by the petitioner that the respondent No.3 has been allotted LPG agency on the strength of concealment of fact. According to the allegations, the respondent No.3 being married and another gas agency having already been allotted to her son, was not eligible for the subject allotment.

The respondents appointed a two-member committee consisting of one Shri Sunil Bahl, Chief Manager (Ops. & HSE) L.P.G. North and Shri V.S. Prabhakar, Chief Manager, LPG

Reticulated System to inquire into the matter. Report of the committee has been placed on record. Learned counsel for the respondents however has raised certain objections with regard to findings arrived at by the committee. The committee in its finding has arrived at the conclusion that the respondent No.3 when applied and was allotted the gas agency, was not eligible for such allotment. Claim of the petitioner is that his name appeared at S.No.2 of the panel, therefore, when the respondent No.3 has been found to be ineligible for allotment, the allotment of the gas agency should as per law be made to him.

In the facts and circumstances of the case, it would be appropriate that the respondent may take final view on the aforesaid report of the Committee and pass a reasoned order after providing

opportunity of hearing to both the respondent No.3 and the petitioner and if eventually they are satisfied that the allotment of the gas agency was secured by the respondent No.3 on the strength of concealment of facts with regard to eligibility conditions and cancel such allotment, they should proceed to consider the case of the petitioner in accordance with law. Such exercise should be completed by them as expeditiously as possible but in no case later than four months from the date copy of this judgment is produced before them by any of the parties.

The writ petition is accordingly disposed of with no order as to costs.

(MOHAMMAD RAFIQ), J.

CHAUHAN/